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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,070	09/23/2003	Mark David Murawski	VOCO / 10	2730

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CINCINNATI, OH 45202

EXAMINER
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SAUNDERS JR, JOSEPH

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/669,070

## Applicant(s)

MURAWSKI ET AL.

## Examiner

Joseph Saunders

## Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 8-16, 18, 19, 21-23, 25-29, 31-41, 44-46, 48-54 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) 64 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-16, 18, 19, 21-23, 25-29, 31-41, 44-46, 48-54, 63 and 66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the communications filed April 25, 2008. Claims 1, 3 – 6, 8 – 16, 18, 19, 21 – 23, 25 – 29, 31 – 41, 44 – 46, 48 – 54, and 63 – 66 are pending. Claims 1, 3 – 6, 8 – 16, 18, 19, 21 – 23, 25 – 29, 31 – 41, 44 – 46, 48 – 54, 63, and 66 are considered below while claims 64 and 65 are withdrawn from consideration.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 – 6, 8 – 10, 13, 15, 16, 18, 19, 21 – 23, 25 – 26, 28 – 34, 37, 39 – 41, 44 – 46, 48 – 50, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 7,283,635 B1), hereinafter Anderson in view of Michel et al. (US 5,764,512), hereinafter Michel, and August (US 7,400,712 B2), hereinafter August.

**Claim 1:** Anderson discloses an apparatus comprising:

a terminal ("application systems" and the host adapter 110, Column 5 Line 66 – Column 6 Line 15 and Column 6 Lines 42 – 61) having bi-directional voice capabilities (microphone assembly 125 and headphone capsules, Column 5 Lines 40 - 50);

a peripheral device for coupling to the terminal and having at least one line for directing audio signals to the terminal (microphone assembly 125 and the earphones of the headset 130, Column 5 Line 66 – Column 6 Line 15);

the peripheral device configured to forward a characterizing signal (via EEPROM memory) for a particular user to the terminal (a first sub-block will contain the preferred settings for the host adapter performance parameters for user #1, a second sub-block will contain the preferred settings for user #2, and so on, Column 10 Lines 15 – 26), the user characterizing signal associated with one or more user-specific operational parameters of the terminal (third block of addressable memory locations may be used for storing individual user preferred settings for host adapter performance parameters, Column 10 Lines 15 – 26);

the terminal configured for receiving the user characterizing signal then configuring the bi-directional voice capabilities of the terminal using the one or more user-specific operational parameters, that are according to the operational parameter associated with the characterizing signal (Column 8 Lines 47 – 61);

the user-specific operational parameters including at least one of voice templates for speech (Column 8 Lines 47 – 61 and Column 10 Lines 15 – 26).

Anderson does not disclose forwarding the characterizing signal on the at least one line to the terminal. However, Anderson does teach that in order to minimize the

number of wires used "some or all of the audio wires can also share connections for the serial communication," Column 5 Line 66 – Column 6 Line 37. Anderson gives an example of how to reduce the amount of wires but still requires a single wire increase. Michel further discloses a similar wire reduction method and teaches that "in-band signaling does not require an additional interface between the computer and speaker/microphone 135 other than the audio interface line-in and line-out signals," Column 6 Lines 13 – 22. Therefore given the teaching of Michel and the motivation provided by Anderson, it would have been obvious to one of ordinary skill in the art to use in-band signaling in the invention of Anderson thereby allowing for some or all of the audio wires to share connections for the serial communication as suggested by Anderson, reducing the necessity for any additional wires, since the information can be sent over the audio line in the technique disclosed by Michel.

Anderson and Michel also do not disclose the terminal including a user dependent speech recognition functionality for converting user speech to a digital format and a text-to-speech functionality for converting data in a digital format into audio signals to be played to a user and therefore do not teach wherein the user-specific operational parameters including at least one of voice templates for speech recognition and text-to-speech preferences for the user.

August discloses a similar "application system" that utilizes text-to-speech and speech recognition (Abstract). August explains, "There accordingly exists a need for network-based speech recognition. It would also be particularly helpful to combine the network-based speech recognition with a network-based text-to-speech translator of call

state or progress information and available call management features. This would enable network service providers to offer a wide variety of features to mobile phone/web users by "translating" features available on a network to an audio format recognizable to the device upon which the audio is to be played, such as a sound or wave file, to which a user could respond with a voice command upon which speech recognition is performed. (The device-specific audio capabilities may be referred to as the device's audio form factor.)," Column2 Lines 49 – 61. August goes on to teach, "Males, females, children, and people from different backgrounds, parts of a country, ethnicity, etc. pronounce words differently. It is advantageous to create various speech recognition models with separate templates for each group of people," Column 12 Lines 48 – 65. Further, "FIG. 8B is a flow chart illustrating the steps, according to one embodiment, for determining what recognition model to use at optional step 651 of FIG. 8A. At step 652, the system checks whether the subscriber ID is a known caller-ID or station ID (e.g. a subscriber's phone number) by searching a caller record database 666, an example of which is shown in FIG. 8C. If the subscriber ID is known, then at step 653 the record for that subscriber is retrieved, if any new subscriber information is provided. Database 666 may provide various types of caller information for that caller, such as caller record, voice template, preferred language of that caller, password, etc. For example, a first record in database 666 shown in FIG. 8C is for caller ID (732) 555-1111. This first record is assigned customer ID number 0231, uses voice template "File 0231", has a password/key of "turtle", the preferred language for that subscriber is English, and the subscription information indicates that this subscriber uses remote access. The

information in database 666 may be compiled by any provisioning method, such as by requiring a user to enter user profile and preference information and a means of updating the database should be provided," Column 12 Line 66 – Column 13 Line 19.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Anderson and Michel to include speech recognition functionality and text-to-speech functionality as disclosed by August, thereby allowing for "network service providers to offer a wide variety of features to mobile phone/web users by "translating" features available on a network to an audio format recognizable to the device upon which the audio is to be played, such as a sound or wave file, to which a user could respond with a voice command upon which speech recognition is performed. (The device-specific audio capabilities may be referred to as the device's audio form factor.)," based on a user profile as taught by both Anderson and August.

**Claim 3:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the characterizing signal is associated with at least one of a particular use, a particular user, a particular user group and a particular location (Anderson Column 16 Lines 4 – 7 and Column 10 Lines 15 – 26; August Figure 8C).

**Claim 4:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the characterizing signal is reflective of a user ID of the peripheral device (Anderson Column 16 Lines 4 – 7 and Column 10 Lines 15 – 26; August Figure 8C).

**Claim 5:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the characterizing signal is an audio signal (audio wave files or DTMF, Michel Column 6 Lines 13 – 42; August Column 14 Lines 31 – 61).

**Claim 6:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the terminal includes frequency analysis circuitry for processing the characterizing signal (Michel Figure 6).

**Claim 8:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the characterizing signal is one of a DTMF tone and a PWM stream (audio wave files or DTMF, Michel Column 6 Lines 13 – 42).

**Claim 9:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the peripheral device is a headset having a microphone and a microphone line, the characterizing signal being forwarded on the microphone line (Michel Column 6 Lines 13 – 22).

**Claim 10:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the peripheral device includes a tone generator for generating audio tones to form the characterizing signal (Michel Column 6 Lines 13 – 42).



**Claim 13:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the peripheral device includes circuitry for generating the characterizing signal, the circuitry being powered by the terminal ("memory voltage source would be coupled through the other earphone wire," Anderson Column 5 Line 66 – Column 6 Line 37).

**Claim 15:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein operational parameters for the terminal are stored in memory (August, Figure 8C), the terminal operable for accessing the memory using the characterizing signal received from the peripheral device (ID, August Column 12 Line 66 – Column 13 Line 19).

**Claim 16:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the operational parameters are stored in a menu (August, Figure 8C), the terminal operable for accessing the menu based upon the characterizing parameter to obtain the one or more user-specific operational parameters (ID, August Column 12 Line 66 – Column 13 Line 19).

**Claim 18:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein said terminal is configured for coupling with multiple different peripheral devices for multiple different users (August Figure 5A, Figure 5B, and Figure 8C), the terminal being configurable to operate with multiple user-specific operational parameters associated with the characterizing signals of the multiple different peripheral devices (ID, August Column 12 Line 66 – Column 13 Line 19).

**Claims 19 and 21 – 23, 25 – 26, and 28** are substantially similar in scope to claims 1, 15, 4, 6, 8, 9, and 3 respectfully, and therefore are rejected for the same reasons.

**Claims 29 – 34, 37, and 39** are substantially similar in scope to claims 1, 4, 5, 8, 9, 10, 13, and 3 respectfully, and therefore are rejected for the same reasons.

**Claims 40, 41, 44 – 46, 48 – 50, 53, and 54** are substantially similar in scope to claims 1, 3, 4, 5, 6, 8, 9, 10, 15, and 16 respectfully, and therefore are rejected for the same reasons.

**Claims 63 and 66:** Claims 63 and 66 are substantially similar in scope to claims 1 and 3 respectfully, and therefore are rejected for the same reasons.

5. Claims 14 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Michel, and August in view of Helms (US 5, 561,710), hereinafter Helms.

**Claim 14:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the peripheral device includes circuitry for generating the characterizing signal, but do not disclose the circuitry being powered by a battery source in the peripheral device. Anderson does disclose that voltage is necessary for the memory component and other

circuitry (Column 5 Line 66 – Column 6 Line 37) and discloses receiving this power from the terminal. However, it is also well known in the art to include a battery (battery) as disclosed by Helms to power a DTMF generator, memory, and other components (Figure 3). Therefore, since there are two main ways that are well known in the art to obtain power from a peripheral device, one involving receiving the power from an external device and one where an internal battery is included, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the battery as disclosed by Helms in the peripheral device in the system of Anderson, Michel, and August thereby eliminating any additional drain from the terminal.

**Claim 38** is substantially similar in scope to claim 14 and therefore rejected for the same reasons.

6. Claims 11, 12, 27, 35, 36, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Michel, and August in view of Hallikainen et al. (US 5,797,102), hereinafter Hallikainen.

**Claim 11:** Anderson, Michel, and August disclose the apparatus of claim 1 but do not disclose wherein the peripheral device is configured to automatically forward the characterizing signal to the terminal when it is coupled to the terminal. Hallikainen discloses a similar arrangement for adapting parameters in a terminal. Hallikainen teaches “the auxiliary device can transmit the identification message automatically ...

after connection", Column 3 Lines 23 – 41. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Anderson, Michel, and August to include the feature of having the peripheral device automatically forward the characterizing signal to the terminal when it is coupled to the terminal as taught by Hallikainen, thereby eliminating additional actions from having to be performed by the user.

**Claim 12:** Anderson, Michel, and August disclose the apparatus of claim 1 wherein the peripheral device has an input (interface), but do not disclose the peripheral device forwarding the characterizing signal to the terminal when the input is engaged. Hallikainen discloses a similar arrangement for adapting parameters in a terminal. Hallikainen teaches "the auxiliary device can transmit the identification message automatically ... after connection", Column 3 Lines 23 – 41. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Anderson, Michel, and August to include the feature of having the peripheral device forward the characterizing signal to the terminal when the input of Anderson, Michel, and August is engaged as taught by Hallikainen, thereby eliminating additional actions from having to be performed by the user.

**Claim 27** is substantially similar in scope to claim 11 and therefore rejected for the same reasons.

**Claim 35 and 36** are substantially similar in scope to claim 11 and 12 respectfully, and therefore rejected for the same reasons.

**Claim 51 and 52** are substantially similar in scope to claim 11 and 12 respectfully, and therefore rejected for the same reasons.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571)

270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./  
Examiner, Art Unit 2614  
/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614